



SUSANA MARTINEZ  
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JOHN A. SANCHEZ  
Lt. Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE  
Cabinet Secretary

J. C. BORREGO  
Deputy Secretary

### **Certified Mail – Return Receipt Requested**

September 27, 2018

Stacie Belcher  
Belcher Inc.  
PO Box 997  
Ruidoso Downs, NM 88346

**Re: Seeping Springs Trout Lakes and RV Park; Minor; SIC 7033; NPDES Reconnaissance Inspection; NPDES #NMU001976; August 28, 2018**

Dear Ms. Belcher:

The New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) conducted a reconnaissance inspection (RI) of your facility on August 28, 2018 while noticing a potential unpermitted discharge.

Enclosed please find a copy of the report for the referenced inspection that the NMED conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us in writing within 30 days from the date of this letter at the addresses below:

NPDES Enforcement Coordinator  
Environmental Protection Agency, Region 6  
NPDES Enforcement Branch (6EN-WM)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Program Manager  
New Mexico Environment Department  
Surface Water Quality Bureau (N2050)  
Point Source Regulation Section  
P.O. Box 5469  
Santa Fe, New Mexico 87502

**Seeping Springs Trout Lakes and RV Park; NPDES #NMU001976**

**September 27, 2018**

**Page 2 of 2**

David Long (Long.David@epa.gov) is USEPA Region 6's Acting NPDES Enforcement Coordinator at the above address. If you have any questions about this inspection report, please contact Jennifer Foote at (505)827-0596 or at Jennifer.Foote@state.nm.us.

Sincerely,

*/s/ Sarah Holcomb*

Sarah Holcomb  
Program Manager  
Point Source Regulation Section  
Surface Water Quality Bureau

cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail  
Nancy Williams, USEPA (6EN-WC) by e-mail  
David Long, USEPA (6EN-WM) by e-mail  
Amy Andrews, USEPA (6EN-WM) by e-mail  
David Esparza, USEPA (6EN-WM) by e-mail  
Mike Kesler, NMED District III by e-mail



Form Approved  
OMB No. 2040-0003  
Approval Expires 7-31-85

## NPDES Compliance Inspection Report

### Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type																
1 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="N"/> <input type="text" value="M"/> <input type="text" value="U"/> 4 <input type="text" value="0"/> <input type="text" value="0"/> 5 <input type="text" value="1"/> 6 <input type="text" value="9"/> 7 <input type="text" value="7"/> 8 <input type="text" value="6"/> 9 <input type="text" value="1"/> 10 <input type="text" value="8"/> 11 <input type="text" value="0"/> 12 <input type="text" value="8"/> 13 <input type="text" value="2"/> 14 <input type="text" value="8"/> 15 <input type="text" value="1"/> 16 <input type="text" value="8"/> 17 <input type="text" value="R"/> 18 <input type="text" value="S"/> 19 <input type="text" value="2"/> 20 <input type="text" value="2"/>																					
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Inspection Work Days					Facility Evaluation Rating					BI		QA		Reserved							
67 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 69					70 <input type="text" value="1"/>					71 <input type="text" value="N"/>		72 <input type="text" value="N"/>		73 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>		74 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>		75 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>		80	

### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)  Seeping Springs RV Park 110 Seeping Springs Rd. Ruidoso Downs, NM 88346  LINCOLN COUNTY	Entry Time /Date 8/28/18 1:50 PM	Permit Effective Date  Unpermitted Discharge
	Exit Time/Date 8/28/18 2:00 PM	Permit Expiration Date  Unpermitted Discharge
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)		Other Facility Data  <b>GPS:</b> N 33° 21'38" W -105° 32' 37" SIC 7033
Name, Address of Responsible Official/Title/Phone and Fax Number Stacie Belcher/Owner/575-378-4216 Belcher Inc. PO Box 997 Ruidoso Downs, NM 88346		
Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

### Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

<input type="text" value="U"/>	Permit	<input type="text" value="N"/>	Flow Measurement	<input type="text" value="N"/>	Operations & Maintenance	<input type="text" value="N"/>	CSO/SSO
<input type="text" value="N"/>	Records/Reports	<input type="text" value="N"/>	Self-Monitoring Program	<input type="text" value="N"/>	Sludge Handling/Disposal	<input type="text" value="N"/>	Pollution Prevention
<input type="text" value="N"/>	Facility Site Review	<input type="text" value="N"/>	Compliance Schedules	<input type="text" value="N"/>	Pretreatment	<input type="text" value="N"/>	Multimedia
<input type="text" value="U"/>	Effluent/Receiving Waters	<input type="text" value="N"/>	Laboratory	<input type="text" value="N"/>	Storm Water	<input type="text" value="N"/>	Other:

### Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

See attached sheets for further details.

Name(s) and Signature(s) of Inspector(s)  Jennifer Foote /s/ Jennifer Foote	Agency/Office/Telephone/Fax  NMED/SWQB 505-827-0596	Date  9/24/18
Signature of Management QA Reviewer  Sarah Holcomb, Program Manager /s/ Sarah Holcomb	Agency/Office/Phone and Fax Numbers  NMED/SWQB 505-827-2798	Date  9/25/18

**Seeping Springs Trout Lakes and RV Park  
Reconnaissance Inspection  
NPDES Tracking No. NMU001976  
August 28, 2018  
Further Explanations**

## **Introduction**

This Reconnaissance Inspection is the result of an observation of a potential unpermitted discharge that was observed while inspecting an adjacent outfall for a NPDES permitted facility, on August 28, 2018, by Jennifer Foote of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB); accompanied by Amy Andrews of the U.S. Environmental Protection Agency (USEPA), at Seeping Springs RV Park near City of Ruidoso Downs. The Seeping Springs Trout Lakes and RV Park was not contacted on the day of the site visit due to tight time constraints. On September 14, 2018, Ms. Foote called the Seeping Springs Trout Lakes and RV Park to obtain more information and to explain the National Pollutant Discharge Elimination System (NPDES) permitting requirements. The facility operates as a RV Park and also runs a private spring fed trout fishing lake.

The purpose of this Reconnaissance inspection is to document the facility's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements under 40 Code of Federal Regulations (CFR) Part 122 in accordance with requirements of the federal Clean Water Act. The NMED performs a certain number of inspections for the U.S. Environmental Protection Agency (USEPA), Region VI, under the NPDES permit program, in accordance with the federal Clean Water Act. USEPA uses these inspections to determine compliance with the NPDES permit program. This inspection report is based on information collected during a site visit, information provided by a follow up phone call to the operator, and a review of public documents available on the internet.

Discharge is to the Rio Ruidoso in Segment 20.6.4.209 of the Pecos River Basin according to the State of New Mexico Standards for Interstate and Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code (NMAC). This segment includes the designated uses of domestic water supply, high quality coldwater aquatic life, irrigation, livestock watering, wildlife habitat, public water supply and primary contact. This part of the river is impaired for E. coli, nutrients, and turbidity and a TMDL has been established for E.coli and nutrients.

## **Observations**

On August 27, 2018, while inspecting an adjacent NPDES Permitted outfall to the Rio Ruidoso, a separate discharging pipe was observed with a soapy foamy discharge. The source of the piping is unknown. The vegetation near the pipes was very thick and was difficult to move through to get a better look without falling in the water. The inspectors did not have sampling equipment. The NMED liquid waste and groundwater bureaus were contacted and they were not aware of any permits for the facility.

The facility owner, Stacie Belcher, was contacted by phone on September 14, 2018. She stated that they did have a septic system and were not discharging wastewater to the river. The septic system has been in place for a long time. She thought that the foam we had seen could be from natural causes. She stated the pipe from the trout ponds had been installed when NRCS installed the concrete flood control structure in 2009. She stated the ponds were spring fed and that they don't use any treatment for the ponds.

## **Findings**

### **Federal Clean Water Act (CWA) and NPDES Requirements**

Section 301 (a) of the Federal Water Pollution Control Act states that *"Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."* Federal regulations in 40 CFR Part 122.21(a) Duty to apply (1) states: *"Any person who discharges or proposes to discharge pollutants...must submit a complete application to the Director in accordance with this section and part 124 of this chapter."*

*The Clean Water Act prohibits discharges of "pollutants" through a "point source" into a "water of the United States" unless it is in accordance with the National Pollutant Discharge Elimination System (NPDES) permit. The permit will contain discharge limits, monitoring and reporting requirements, and other provisions to ensure that the discharge protects human health and the environment. The permit translates general requirements of the Clean Water Act into specific provisions tailored to the operations of each facility. It means any discernible, confined and discrete conveyance, such as a pipe, ditch, channel, tunnel, conduit, discrete fissure, or container. The term pollutant includes any type of industrial, municipal, and agricultural waste discharged into water. Some examples are dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, and industrial, municipal, and agricultural waste.*

Flow of the springs through the ponds if no treatment occurs may not require an NPDES permit. As of the time of the inspection, the facility did not have either an active or expired NPDES permit in place. The facility is urged to contact EPA for additional information on permitting requirements. More information and how to apply for a NPDES permit can be found at <https://www.epa.gov/npdes>.

If the facility is the source of the foam, they must halt the unpermitted discharge of pollutants to the Rio Ruidoso.

<b>NMED/SWQB</b> <b>Official Photograph Log</b> <b>Photo # 1</b>		
Photographer: Lincoln County Assessor webpage	Date: unknown	Time: unknown
City/County: Ruidoso Downs/Lincoln County	State: New Mexico	
Location: Seeping Springs RV Park		
Subject: Property ownership map- arrow indicates approximate location of discharge		

  

The screenshot shows a web browser window displaying a map application. The address bar shows the URL: <https://portico.mygisonline.com/html5/?viewer=lincolnnm>. The map displays several land parcels outlined in red. One parcel, labeled with the number 4079063359094000000, is highlighted with a blue border and contains a green pond. An orange arrow points to this pond. Other nearby parcels are labeled with numbers like 4079063275063000000 and 4079063327138000000. On the left side, a sidebar shows details for the selected parcel, including its UPN (4079063359094000000), owner (BELCHER, INC BELCHER, JIMMY, STACIE & NORMA), mailing address (PO BOX 997 RUIDOSO DOWNS NM 88346), owner number (359225), site address (110 REYNOLDS CIRCLE), land value (\$115,500.00), building value (\$382,974.00), school district (350), book (282), page (144), subdivision (N/A), and unit block (N/A). The bottom of the map shows a scale bar (0 to 200ft) and a scale of 1:2,257.



**NMED/SWQB**  
**Official Photograph Log**  
**Photo # 2**

Photographer: Jennifer Foote

Date: 8/28/18

Time: 1:54 pm

City/County: Ruidoso Downs/Lincoln County

State: New Mexico

Location: Seeping Springs RV Park

Subject: Soapy foam at concrete pipe





**NMED/SWQB  
Official Photograph Log  
Photo # 3**

Photographer: Jennifer Foote	Date: 8/28/18	Time: 1:58 pm
City/County: Ruidoso Downs/Lincoln County		State: New Mexico
Location: Seeping Springs RV Park		
Subject: Clear water next to discharge at concrete pipe		



## **Attachment 1**

### **Response to Inspection**



RECEIVED

OCT 11 2018

SURFACE WATER  
QUALITY BUREAU

October 4, 2018

Stacie & Jimmy Belcher  
Seeping Springs Trout Lakes and RV Park  
PO Box 997 (mailing)  
110 Seeping Springs Rd. (Physical)  
Ruidoso Downs, NM 88346

Program Manager  
New Mexico Environment Department  
Surface Water Quality Bureau (N2050)  
Point Source Regulation Section  
PO Box 5469  
Santa Fe, NM 87502

Re: Seeping Springs Trout Lakes and RV Park; Minor; SIC 7033; NPDES Reconnaissance Inspection;  
NPDES #NMU001976; August 28, 2018

Dear Ms. Holcomb,

After reviewing the report sent to me by Jennifer Foote with respect to her Reconnaissance Inspection on August 28, 2018 there are a couple of things I would like to add. Our pond drain dumps into the river below the dam put in place to slow the water and protect the river during flood events. The two weeks before her inspection we were receiving heavy monsoon rains that cause the river to flow over the dam and submerge our drain; I imagine that what she witnessed was deposited into the drain area from these floods. My other concern is that by the time she called me two and a half weeks later there was no foam in the drain area so I could not verify what she saw or try to confirm its source.

The drain line is a 15" pvc pipe that runs out of our pond and under the Gabion Baskets that make up the dam. After the flood in 2008 Soil and Water Conservation and the Army Corp of Engineers decided to build the damn at the foot of our property to slow flood waters down, in order to protect the river above us. It was determined that our pond drain line needed to dump in below the damn so it was extended. At that point in time EPA was contacted to determine whether we needed a discharge permit. They decided that according to 40 CFR Part 122.24 (Concentrated Aquatic Animal Production Facilities (CAAP)) we did not have to be permitted.

"NPDES permits are required for discharges associated with: "

"Concentrated Aquatic Animal Production Facilities (CAAP) (40 CFR Part 122.24) -- A "hatchery, fish farm, or other facility" which is designated by EPA (40 CFR 122.25) or which satisfies the following criteria in Appendix C (40 CFR Part 122).

- Facilities raising cold water fish species or other cold water aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year, but does not include:
  1. Facilities which produce less than 9,090 harvest weight kilograms (20,000 pounds) of aquatic animals per year; and
  2. Facilities which feed less than 2,272 kilograms (5,000 pounds) of food during the calendar month of maximum feeding.” (<https://www.epa.gov/npdes/npdes-aquaculture-permitting#permit>)

Last year, my largest fishing year to date, I purchased 14,236 rainbow trout, as reported on my Class “A” Lake License Renewal paperwork. I stock a 10” average trout which might weigh half of a pound, if I’m lucky. Mathematically that comes out to just over 7000 pounds of cold water fish and I might feed out 50 pounds of feed a month.

If the regulation has changed since January 19, 2017 and I am required to have a permit please let me know immediately so that I can be in compliance. If any further action on my part is required please notify me at 575-378-4216 (home/office), 575-309-5378 (cell) or [seepingsprings@bajabb.com](mailto:seepingsprings@bajabb.com).

Sincerely,

*Stacie Belcher*

*Jimmy Belcher*

Stacie and Jimmy Belcher

CC: David Long, USEPA (6EN-WM)